

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Amateur Radio Service Rules to Eliminate)	RM - 10786
Morse Code Proficiency Testing Requirements)	
For All Classes of Amateur Licenses)	
)	
To: The Commission)	

Comments Of Kazimierz Siwiak – KE4PT [Extra Class]

- The Morse code is just one of many forms of digital communications that are available for use over radio; but it is the only one that still requires a proficiency test even though both government or commercial radio services have ceased to use Morse telegraphy. Hence the “pool of Morse trained operators” has ceased to exist.
- One remaining service where Morse code is used, as identifiers for FAA air navigation beacons and VORs *does not require Morse proficiency from pilots* even though FAA regulations require positive identification of navigational aids. So even in a *safety of life* situation, a casual familiarity with Morse is deemed sufficient by another agency of the United States Government.
- The maintenance of morse proficiency tests as a requirement for any amateur radio license is no longer in accord with the purpose of the amateur radio Service and serves no legitimate regulatory purpose.
- The Commission has cited in its most recent comprehensive review of its Part 97 amateur rules (WT Docket No. 98-143) for keeping *any* Morse testing at the its decision in that Proceeding no longer exists.
 - The Commission concluded in WT Docket No. 98-143 that the public interest will best be served by reducing the (Morse) telegraphy examination requirement to the minimum requirement that that meets the [ITU] Radio Regulations.
 - The “*minimum requirement that meets the ITU Radio Regulations*” for any class of amateur license is now no Morse test at all.

- The Commission's own determinations, as well as a significant body of public comment, from the Proceedings in both 1990 and 1999, as referenced in the NCI Petition, clearly demonstrate that a Morse proficiency test requirement is unnecessary and undesirable, in that:
 - It acts as a barrier to entry or advancement to otherwise qualified persons.
 - It is not necessarily indicative of an individual's ability to contribute to the advancement of the radio art.
 - It does not provide any indication of the examinee's good character, high intelligence, cooperative demeanor, or willingness to comply with the Commission's rules.
 - It no longer continues to serve a regulatory purpose.
 - It otherwise does not serve the public interest and necessity.
- The Commission has the authority to amend its Part 97 rules to eliminate Morse proficiency requirements by expedited order, without formal notice and public input.
 - The Commission considered the issue of continued Morse proficiency requirements in WT Docket Number 98-143 where there was extensive input from the public and concerned parties, and to this date the only change from that consideration is that the only stated reason for retaining any Morse proficiency test has been removed.
 - By granting NCI's Petition, a burden on applicants for amateur radio licenses would be removed, no additional requirement would be imposed, and therefore no party or other person would be prejudiced by such Commission action.
- The Commission should refrain from combining NCI's request for the prompt elimination of Morse test requirements from its rules with other substantially unrelated issues such as, but not limited to, band segmentation, changes in the number of license classes, sweeping changes in operator privileges by license class, etc., because that would result in unnecessary, protracted delay in resolving this important and clear-cut issue.
- In summary, for all of the reasons outlined and referenced herein, the Commission should enact the following changes to its rules in the most expeditious manner possible:
 - Identify the International Morse Code, and other similar manually operated codes, and the abbreviations commonly used therein as a legitimate "codes or ciphers" for *voluntary* use in the Amateur bands
 - Set aside minimal band segments for Technician and higher classes, for example: today's exclusive Extra Class Morse segments in the HF bands, for the exclusive use of Morse Code to minimize interference.
 - Eliminate the "Element 1" Morse test totally from the Commission's rules for all license classes.
 - Modify, as a consequential and logical change, the privileges afforded to Technician class licensees to be equivalent to those currently afforded to Technician Plus licensees and "Technician with Morse credit" licensees.

Respectfully submitted,

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